IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No.2690 of 2007

Date of Decision: December 13, 2007

Makhan Singh .....Petitioner

Versus

Smt.Manjit Kaur .....Respondent

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.KK Saini, Advocate for the petitioner.

Mr.KS Rekhi, Advocate for the respondent.

S. D. ANAND, J.

1. In the course of the impugned order, the learned Trial Court did not at all notice the plea raised by the petitioner (father-in-law of the respondent-wife) that there had been a compromise between the parties in terms whereof the respondent received substantial pecuniary benefit and had opted to forego any further claim against the property of her deceased-husband or otherwise. As apparent from the record, that averment was neither noticed nor discussed by the learned Trial Court. It is common ground that the factum of that compromise would have a relevant bearing on the disposal of the controversy. The learned counsel, are one on the point that it would be appropriate to remand the matter to the learned Trial Court for a decision afresh after noticing the compromise-deed dated

21.11.2004, an averment regarding which had been duly made in para No.4 (on merits) of the written statement.

2. In the light of the foregoing discussion, the impugned order shall stand aside. The matter is remitted to the learned Trial Court for disposal of the matter afresh after noticing the factum of the impugned compromise-deed dated 21.11.2004.

(S. D. ANAND)
JUDGE

December 13, 2007
SRM

Note: Whether referred to reporter ? Yes/No